

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator N. Gautreaux to Engrossed House Bill No. 17 by Representative T. Powell

AMENDMENT NO.1

On page 1, line 2, after "amend and reenact" insert "R.S. 15:538(D) and"

AMENDMENT NO. 2

On page 1, line 2, after "571.1," insert "to provide relative to conditions of probation, parole, and suspension or diminution of sentence and"

AMENDMENT NO. 3

On page 1, line 2, after "571.1" delete "relative to"

AMENDMENT NO. 4

On page 1, line 3, after "sex offenses;" insert "to provide for additional conditions of probation and parole in certain cases;"

AMENDMENT NO. 5

On page 1, after line 19, insert "Section 2. R.S. 15:538(D) is hereby amended and reenacted to read as follows:

§538. Conditions of probation, parole, and suspension or diminution of sentence

* * *

D. * * *

(2) Any sexual offender, whose offense involved a minor child, and who was placed on probation or was paroled prior to August 15, 2004, shall have the following prohibitions added as conditions of probation and parole pursuant to Code of Criminal Procedure Articles 895 and 896 or R.S. 15:574.4 and R.S. 15:574.7:

(a) Going in, on, or within one thousand feet of the school property of any public or private elementary or secondary school, or the physical presence in any motor vehicle or other means of conveyance owned, leased, or contracted by such school to transport students to or from school or a school-related activity when persons under the age of eighteen years are present on the school property or in a school vehicle.

(b) Going in, on, or within one thousand feet of a day care facility, playground, public or private youth center, public swimming pool, or free-standing video arcade facility.

(c) Physically residing within one thousand feet of any public or private elementary or secondary school, day care facility, playground, public or private youth center, public swimming pool, or free-standing video arcade facility.

(d) Communicating, either in written or oral form, with the victim or a family member of the victim, unless the victim consents to such communication in writing.

(2) (3)(a) It shall not be a violation of Subsection(D)(1)(a) **or Subsection (D)(2)(a)** of this Section if the offender has permission to be present on school premises from the superintendent of the school board in the case of a public school or the principal or headmaster in the case of a private school.

(b) If permission is granted to an offender to be present on public school property by the superintendent for that public school pursuant to this Paragraph, then the superintendent shall notify the principal at least twenty-four hours in advance of the visit by the offender. This notification shall include the nature of the visit and the date and time in which the sex offender will be present in the school. The offender shall notify the office of the principal

1 upon arrival on the school property and upon departing from the school. If the offender is
2 to be present in the vicinity of children, the offender shall remain under the direct
3 supervision of a school official.

4 ~~(3)~~ (4) For purposes of this Subsection:

5 (a) "School property" means any property used for school purposes, including but
6 not limited to school buildings, playgrounds, and parking lots.

7 (b) "Sexual offender" means a person defined as a sex offender in R.S. 15:536(A).

8 ~~(4)~~ (5) Whoever violates the provisions of this Subsection shall have his probation,
9 parole or suspension of sentence revoked and shall be fined not more than one thousand
10 dollars or imprisoned for not more than six months, or both.

11 ~~(5)~~ (6) Notwithstanding the provisions of this Subsection, a requirement that a
12 defendant not go in, on, or within one thousand feet of certain premises does not apply to a
13 defendant while the defendant is in or going immediately to or from a:

14 (a) Community supervision and corrections department office;

15 (b) Premises at which the defendant is participating in a program, activity or work
16 required as a condition of community supervision;

17 (c) Residential facility in which the defendant is required to reside as a condition of
18 community supervision, if the facility was in operation as a residence for defendants on
19 community supervision on June 1, 2004; or

20 (d) Private residence at which the defendant is required to reside as a condition of
21 community supervision."